



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/684,268	10/10/2003	Felix A. Montero-Julian	BECK1120-1(2147-183CIP)	1728
47975	7590	10/16/2007	EXAMINER	
BECKMAN COULTER, INC. C/O DLA PIPER US LLP 4365 EXECUTIVE DR SUITE 1100 SAN DIEGO, CA 92121-2133			FOSTER, CHRISTINE E	
ART UNIT		PAPER NUMBER		
		1641		
MAIL DATE		DELIVERY MODE		
10/16/2007		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Notice of Non-Compliant
Amendment (37 CFR 1.121)**

Application No.	Applicant(s)	
10/684,268	MONTERO-JULIAN ET AL.	
Examiner	Art Unit	
Christine Foster	1641	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 08 August 2007 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- 1. Amendments to the specification:
 - A. Amended paragraph(s) do not include markings.
 - B. New paragraph(s) should not be underlined.
 - C. Other See Continuation Sheet.
- 2. Abstract:
 - A. Not presented on a separate sheet. 37 CFR 1.72.
 - B. Other _____.
- 3. Amendments to the drawings:
 - A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
 - B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
 - C. Other _____.
- 4. Amendments to the claims:
 - A. A complete listing of all of the claims is not present.
 - B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
 - D. The claims of this amendment paper have not been presented in ascending numerical order.
 - E. Other: See Continuation Sheet.
- 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a Quayle action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action.

Failure to timely respond to this notice will result in:

Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action; or

Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

LONG V. LE

SUPERVISORY PATENT EXAMINER

Legal Instruments Examiner (LIE), if applicable

TECHNOLOGY CENTER 1600

Telephone No.

Part of Paper No. 20071014

Continuation of 1(c) Other:

Applicant's amendment directs replacement of paragraphs [0079] and [0086] of the specification (see Reply, pages 12-14). However, the text of these paragraphs indicated does not correspond with that in the specification as filed. It appears that Applicant may have incorrectly indicated the paragraphs to be replaced by referring to the numbering scheme in the published application rather than in the specification as filed. Clarification and/or correction are required.

Continuation of 4(e) Other: Markings not shown (Use Notice of Non-Compliant PTOL-324)

The amendments to claims 1 and 5 are non-compliant because the markings do not correctly indicate the changes that have been made relative to the immediate prior versions of the claims. Specifically, in claim 1 a comma has apparently been inserted in line 2 after the term "modified MHC monomer", yet there are no markings to indicate this change. In addition, the words "and" and "or" have apparently been inserted in line 4 of claim 1 but there are no markings to indicate this. The amendments to claim 5 are non-compliant because the markings indicate that a comma is being deleted in line 2 (after the word "pH"), which is improper because the claim did not previously include the comma. See CFR 1.121 and MPEP 714.